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U.S. DISTRICT COURT E.D.N.Y.

☆ APR 26 2017 ☆

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GERSON PEREZ, et al.,

Plaintiffs,

-against-

DE DOMENICO PIZZA & RESTAURANT,
INC., et al.,

Defendants.
-----X

WEXLER, District Judge:

LONG ISLAND OFFICE
ORDER

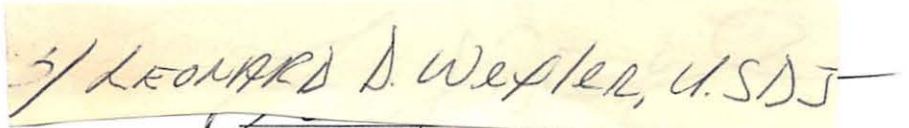
CV 14-7236

(Wexler, J.)

By Report and Recommendation ("R&R") dated April 4, 2017, Magistrate Judge Arlene R. Lindsay recommended that the claims of plaintiff Lorenzo Lopez Hernandez be dismissed for failure to prosecute after he failed to appear for his court-ordered deposition. *See* R&R, Docket Entry ("DE") [88]. Judge Lindsay further noted plaintiffs' counsel's acknowledgement that he has lost contact with Mr. Hernandez. The R&R expressly reminded the parties that objections must be filed with the Court within fourteen days. That time has passed, and no party has filed any objections to the R&R or sought an extension of time to do so.

To accept a magistrate's R&R absent a timely objection, the Court need only be satisfied that there is no clear error on the face of the record. *See* FED. R. CIV. P. 72(b); *Baptichon v. Nevada State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. 2005). As the time to file objections has passed, and a careful review of the R&R finds no plain error, the R&R is hereby adopted. *See* 28 U.S.C. §636(b)(1); FED. R. CIV. P. 72. Plaintiff Lorenzo Lopez Hernandez's claims are dismissed, and the Clerk of the Court is directed to terminate him as a party in this matter.¹

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
April 26, 2017

¹ Although Defendants had moved to dismiss Hernandez for lack of prosecution, *see* Motion, DE [85], the R&R does not expressly grant that motion. In light of the adoption of the R&R, however, the Motion should also be terminated.